

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY WAKEFIELD,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

4:13CV3112

MEMORANDUM AND ORDER

The United States has moved to strike the plaintiff's jury demand on his claims for recovery under the Federal Tort Claims Act. (Filing No. [14](#)). The plaintiff has not responded to the motion, and the deadline for responding has passed. The motion is fully submitted.

Parties are not entitled to a jury trial in most actions against the United States, (see [28 U.S.C. § 2402](#)), including actions pursued under the Federal Tort Claims Act. [U.S. v. Neustadt, 366 U.S. 696, 701 n. 10 \(1961\)](#) ("There is no right to a jury trial under the Tort Claims Act."). See also [Mader v. U.S., 654 F.3d 794, 797 n. 1 \(8th Cir. 2011\)](#) ("FTCA actions must be tried to a judge, not a jury").

IT IS ORDERED that the United States' motion to strike the plaintiff's jury demand, (Filing No. 14), is granted.

February 4, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

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